

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**1. ROBERT RUDY, an individual,**

**Plaintiff,**

**v.**

**1. SEAL SMART LLC, a foreign  
corporation,**

**Defendant.**

**Case No. 15-CV-718-CVE-PJC**

**(Tulsa County District Court)**

**Case No. CJ-2015-04256**

**Judge Jefferson D. Sellers**

**NOTICE OF REMOVAL**

Defendant, Seal Smart LLC (“Defendant”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby respectfully removes the above-styled action from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

1. On November 18, 2015, Plaintiff Robert Rudy (“Plaintiff”) commenced this action by filing his Petition, in the District Court of Tulsa County, Oklahoma, Case No. CJ-2015-04256, asserting claims against Defendant for fraudulent misrepresentation and/or concealment in hiring and negligent misrepresentation. See Petition, attached as Exhibit 1.

2. Defendant was served with a copy of the Petition on November 27, 2015. See Summons, attached as Exhibit 2.

3. No further process, pleadings, or motions have been filed in the case. In accordance with LCvR 81.2, a copy of the Tulsa County District Court docket sheet is attached as Exhibit 3.

4. “Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant to the District Court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a).

5. Plaintiff is an individual presently residing in Oklahoma.

6. Defendant is a Missouri limited liability corporation with its principal place of business in Monett, Missouri.

7. In Plaintiff’s Petition, he prays for judgment against Defendant in “excess of the amount required for diversity (\$75,000) pursuant to 28 U.S.C. § 1332.”

8. Plaintiff’s Complaint is a civil action over which the Court has original jurisdiction under 28 U.S.C. § 1441(b) in that it is a civil action wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

9. In addition, venue, for purposes of removal only, is proper in this Court under 28 U.S.C. §1441(a) because the District Court of Tulsa County, Oklahoma, is located within the Northern District of Oklahoma.

10. Further, because Defendant was served with Plaintiff’s Petition and Summons on November 27th, 2015, this Notice of Removal is timely because it is being “filed within 30 days after the receipt by [D]efendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” 28 U.S.C. § 1446(b)(1).

11. Written notice of the filing of this Notice of Removal will be served on Plaintiff and filed with the Clerk of Court of the District Court of Tulsa County, Oklahoma.

12. Pursuant to Local Rule 81.2, Defendant's Status Report on Removed Action shall be filed contemporaneously with this Notice of Removal.

13. This Notice of Removal does not waive any objections to defects in process or service of process, jurisdiction, venue, statute of limitations, exhaustion of administrative remedies, or any other defense.

**WHEREFORE**, Defendant prays that the above-styled action now pending against it in the District Court of Tulsa County, Oklahoma, be removed to this Court.

Dated: December 17th, 2015

Respectfully submitted,

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

By: *s/J. Patrick Cremin*

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**ATTORNEYS FOR DEFENDANT,  
SEAL SMART, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of December, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the Following ECF registrants:

David R. Blades, Esq.  
7170 South Braden Avenue, Suite 140  
Tulsa, OK 74136

*s/ J. Patrick Cremin*

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J. Patrick Cremin